

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**Central New York Laborers' Health and Welfare,
Pension, Annuity and Training Funds,
by Janet M. Moro, as Fund Administrator;
Construction and General Laborers' Local Union
No. 633, by Gabriel Rosetti, as Business Manager,**

Plaintiffs,

vs.

**5:08-CV-0551
(NAM/GHL)**

**Maxim Construction Service Corp.; Barbara Slate
Individually and as an Officer of Maxim Construction
Service Corp.; James Malvasi, Individually and as an
Officer of Maxim Construction Service Corp.,**

Defendants.

APPEARANCES

Blitman & King LLP
Franklin Center, Suite 300
443 North Franklin Street
Syracuse, New York 13204
Attorney for Plaintiffs

OF COUNSEL:

Jennifer A. Clark, Esq.

Norman A. Mordue, Chief U.S. District Judge

ORDER

Having received notification from plaintiffs' counsel that an audit has been completed, and that "the Defendants properly remitted contributions through July 31, 2009 and that no additional monies are due to the Plaintiffs through that date", the Court hereby dismisses the second cause of action with prejudice and directs the Clerk of the Court to close this case and enter judgment accordingly.¹

IT IS SO ORDERED.

Date: July 14, 2010
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge

¹Except for, as plaintiffs request, "judgment enforcement proceedings" pursuant to Fed. R. Civ. P. 69.